



Assessing Mobile Homes

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Today's Class Will Cover

- Definition of mobile homes – Annual Assessed and Real Property
- Review of IC 6-1.1-7 and 50 IAC 3.3
- Assessment procedures for real property and annual assessed mobile homes
- VIN Requirements
- Mobile Home FAQ's



Assessment of Mobile Homes

- Indiana Code – IC 6-1.1-7 / Taxation of Mobile Homes
<http://www.in.gov/legislative/ic/code/title6/ar1.1/ch7.html>
- Indiana Administrative Code – Article 3.3 / 50 IAC 3.3 Assessment of Mobile Homes
<http://www.in.gov/legislative/iac/T00500/A00033.PDF>



Annually Assessed Mobile Home Defined

- Mobile home that has a certificate of title issued by the Bureau of Motor Vehicles under IC 9-17-6.
- and is not on a permanent foundation.



Manufactured Homes IC 9-17-6-1

Certificate of Title Requirement

- A person who owns a manufactured home that is:
 - (1) personal property not held for resale;
or
 - (2) not attached to real estate by a permanent foundation; shall obtain a certificate of title for the manufactured home.



Mobile Home Defined and Manufactured Home Defined

- 50 IAC 3.3-2.3 - “Mobile Home” means a “dwelling” as defined in IC 9-13-2-103.2.
- A “manufactured home” as defined in IC 9-13-2-96.



Mobile Home Defined IC 9-13-2-103.2

“Mobile home” means a structure
that:

- (1) is assembled in a factory;
- (2) is transportable;
- (3) is suitable for use as a dwelling in
any season.



Mobile Home Defined IC 9-13-2-103.2

- (4) exceeds thirty-five (35) feet in length; and
- (5) either bears a seal that certifies that it was built in compliance with federal standards or was built before the federal standards became effective (built before June 15, 1976).



Manufactured Home Defined IC 9-13-2-96

“Manufactured home” means, except as provided in subsection (b), a structure that:

- (1) is assembled in a factory;
- (2) bears a seal certifying that it was built in compliance with the federal manufactured housing construction and safety standards law.



Manufactured Home Defined IC 9-13-2-96

- (3) is designed to be transported from the factory to another site in one (1) or more units;
- (4) is suitable for use as a dwelling in any season; and
- (5) is more than thirty-five (35) feet long.



Manufactured Home Defined IC 9-13-2-96

- b) “Manufactured home,” for purposes of IC 9-17-6, means either a structure having the meaning set forth in the federal manufactured Housing Construction & Safety Standards Law of 1974 or a mobile home.
- Has the characteristics of a mobile home but was built after June 15, 1976.



Park Models

- The “more than 35’ length” requirement in the statutes makes some assessors question park models titled as a RV because the characteristics of it are more similar to a mobile / manufactured home than to a recreational vehicle BUT...



Park Models

...the Bureau of Motor Vehicles (BMV) has the authority to title the recreational vehicles, park models, and mobile/manufactured homes and the length is one of the statutory requirements that they consider when making a determination on the classification of the asset.



Frequently Asked Questions

Question:

- If the park model is titled as a recreational vehicle and the owner is not paying the annual excise taxes on it, could I assess it as a mobile home since no taxes are being paid on it?



Frequently Asked Questions

Answer:

- No, the statutes are clear on the factors to consider when determining whether an asset is subject to property tax or excise tax and the payment of taxes is not one of the factors.



Frequently Asked Questions

Question:

- If a taxpayer doesn't pay the excise taxes annually on a park model or RV, will the BMV collect all of the back taxes due before transferring the title?



Frequently Asked Questions

Answer:

- No, the BMV will collect up to one (1) year's delinquent taxes and the current taxes due at the time of registration so if multiple years are involved, it is possible that not all of the delinquent taxes will be collected.



Frequently Asked Questions

Question:

- Could a recreational vehicle that is used as the owner's principal place of residence be considered a mobile home? If it could be, I believe the owner wanted to apply for the homestead deduction.



Frequently Asked Questions

Answer:

- A recreational vehicle would not meet the statutory requirements to be classified as a mobile / manufactured home (designed for year-round occupancy, length, meets safety standards); therefore it would be subject to excise tax. It would not be eligible for the homestead deduction because it is not a dwelling.



Real Property Mobile Home Defined

- A mobile home that has an affidavit of transfer to real estate recorded by the county recorder under IC 9-17-6-15.5; (50 IAC 3.3-2-4)
- or has a certificate of title issued by the Bureau of Motor Vehicles under IC 9-17-6 and is attached to a permanent foundation.



Permanent Foundation Defined (50 IAC 3.3-2-3.5)

- Any structural system capable of transposing loads from a structure to the earth at a depth below the established frost line.



Transfer to Real Estate IC 9-17-6-15.5

Application of Transfer to Real Estate

- (1) Manufactured home is attached to real estate by a permanent foundation.
- (2) Affidavit of transfer to real estate and the retired certificate of title, if available, is filed with the county recorder's office.



Transfer to Real Estate IC 9-17-6-15.5

Application of Transfer to Real Estate

- (3) Manufactured home that is deemed an improvement upon the real estate upon which it is located.
- Note: A filing is not required for a person who converts a manufactured home that is attached to real estate by a permanent foundation to an improvement upon the real estate upon which it is located.



Rule 3. Method 50 IAC 3.3-3-1

- (a) County assessor or township assessor, if any, shall assess the mobile home for taxation.
- (b) A mobile home shall be assessed as real property under the Department of Local Government Finance Real Property Assessment Rules in effect on March 1, if the mobile home meets the definition given in 50 IAC 3.3-2-4.



Rule 3. Method 50 IAC 3.3-3-1 (cont'd)

- (d) An annually assessed mobile home and all exterior features, yard structures, and improvements owned by the mobile homeowner and located on the same parcel as the mobile home shall be annually assessed if the mobile home meets the definition given in 50 IAC 3.3-2-2.



Frequently Asked Questions

Question:

- Why are exterior features, yard structures, and improvements handled differently between annually assessed mobile homes and recreational vehicles/campers located in a campgrounds?



Frequently Asked Questions

Answer:

- Basically because IC 6-1.1-2-4 and 50 IAC 3.3-3-1 state that they should be handled this way. Remember that if a mobile home was to be moved, the taxes must be paid before a permit would be issued but an RV is subject to excise tax and could be moved at any time so the collection of delinquent taxes would be more difficult.



Rule 4 Assessment Dates 50 IAC 3.3-4-1

- (a) An annually assessed mobile home shall be assessed on January 15 and taxed at the current year's tax rate. The owner of an annually assessed mobile home shall pay the tax in accordance with IC 6-1.1-7-7.
- (b) A mobile home assessed as real property under 50 IAC 3.3-3-1 shall be assessed on March 1 and taxed at the following year's rate.



Legislative Update

- SEA 420, effective July 1, 2014, will change the assessment dates for both real property and annually assessed mobile homes.
- Annually assessed mobile homes will be assessed on January 15 in 2016 and on January 1 beginning in 2017. (2017 pay 2017)
- Real property mobile homes will be assessed on March 1 for 2015 pay 2016 and on January 1 for 2016 pay 2017.



Rule 4 Assessment Dates

50 IAC 3.3-4-1

- (d) A mobile home properly assessed under subsection (a) that becomes real property on or before March 1 of the same assessment year shall be assessed and taxed as real property under subsection (b).
- NOTE: This part of the rule will not be needed once the January 1 assessment dates become effective.



Rule 5 Valuation Guide 50 IAC 3.3-5-1

- (a) County assessors or township assessors, if any, shall use the standard of true tax value as set forth in the Department real property assessment rules in the assessment of mobile homes determined to be real property.
- Remember that the gross rent multiplier method is the preferred method for valuing real property mobile homes. IC 6-1.1-4-39(b)



Frequently Asked Questions

Question:

- Concerning IC 6-1.1-4-39 (b) and the requirement that we consider the gross rent multiplier method for real property mobile homes, what do we do when there is not sufficient data to use this method?



Frequently Asked Questions

Answer:

- In the IBTR decision for Phil & Amy Thorne vs. the Lawrence County Assessor (Petition # 47-013-06-1-5-00006) issued in June of 2010, no GRM data was presented as evidence so the three generally accepted techniques to calculate the value (i.e. cost, sales comparison, and income approaches) were then considered.



Rule 5 Valuation Guide 50 IAC 3.3-5-1

(b) All annually assessed mobile homes assessed after January 14, 2007, shall have a true tax value set at the least of the values determined using the following:

(1) the National Automobile Dealers Association Guide (NADA);



NADA References

- The NADA 2014 Manufactured Housing Appraisal Guide and/or CD-Rom version can be purchased by contacting NADA.
<http://www.nadaappraisalguides.com/>
- You can also contact NADA directly at (800) 966-6232.



Rule 5 Valuation Guide 50 IAC 3.3-5-1

- (2) the purchase price of the mobile home if the:
 - (A) sale is of a commercial enterprise nature;
 - (B) buyer and seller are not related by blood or marriage; and
 - (C) the sale date is within one (1) year prior to or subsequent to the January 15 valuation date; or
- (3) sales data for generally comparable mobile homes.



Frequently Asked Questions

Question:

- Can you help me understand the phrase concerning the sale being of a commercial enterprise nature and how that is related to being an arm's length transaction?



Frequently Asked Questions

Answer:

- In the IBTR decision for Phil & Amy Thorne vs. the Lawrence County Assessor (Petition # 47-009-07-1-6-00009) issued in June of 2010, #26 in the Analysis Section explains that generally accepted appraisal principles are not relevant when the statutes and Department administrative codes impose a specific condition.



Frequently Asked Questions

Answer (continued):

- It was also noted in this decision that a mobile home was repossessed by a financial institution and then resold which seems to indicate a transaction of a commercial enterprise nature. This is a good example of the intent of the statute.



IBTR Decisions: Thorne vs. Lawrence County

- In June of 2010, the IBTR released decisions on 16 appeals filed by Phil & Amy Thorne in Lawrence County. These appeals were for annually assessed mobile homes for the 2007 assessment date. This assessment date was the first year that the new statutory language went into effect so these appeals with their differing scenarios may offer some guidance for assessing officials today.



IBTR Decisions: Thorne vs. Lawrence County

- The outcome for the majority of the decisions seemed to hinge on 50 IAC 3.3-5-1(b)(2) which is the purchase price of the mobile home and if it was within one (1) year of the January 15 assessment date.
- If the sale was within the 1 year period, the taxpayer's purchase price was determined to be the best value. For sales over 1 year, the assessor's NADA value was found to be the best value available of the three options.



IBTR Decisions: Thorne vs. Lawrence County

Other noteworthy comments from these decisions include:

- Assessment methods for real property and annually assessed mobile homes differ considerably. (Petition # 47-013-06-1-5-00006)
- For annually assessed mobile homes, market value concepts should not be relied upon entirely because the law dictates how they are to be assessed.



IBTR Decisions: Thorne vs. Lawrence County

Noteworthy comments (continued):

- Even though the property owner invested \$2,000 in the mobile home between the sales date and the assessment date, the purchase price was determined to be the best value available that because it complied with the law. Petition # 47-009-07-1-6-00015
- So if an appraisal was presented as evidence in an annually assessed mobile home appeal, could it be considered?



Let's review the three valuation options to consider again

- (1) the National Automobile Dealers Association Guide;
- (2) the purchase price of the mobile home if the:
 - (A) sale is of a commercial enterprise nature;
 - (B) buyer and seller are not related by blood or marriage; and
 - (C) the sale date is within one (1) year prior to or subsequent to the January 15 valuation date; or
- (3) sales data for generally comparable mobile homes.



Frequently Asked Questions

Question: So we are to determine the least of the values with the NADA value, the purchase price if less than 1 year from the assessment date, or sales data. This means one assessment year we might use the purchase price and the next year, we would use the NADA price which could be considerably different. Correct?

Answer: That is correct since each assessment year stands alone and the law provides specific valuation methods to consider.



Mobile Home Forms

- Form 1 – Notice of Placing of Mobile Home Upon Land or Lot
- Form 2 – Notice of Assessment of Mobile Home (Annually Assessed)
- Mobile Home Permit



Movement of Mobile Homes; Transfer of Title; Permits – IC 6-1.1-7-10

- Sec. 10.
- A mobile home may not be moved from one location to another unless the owner obtains a permit to move the mobile home from the county treasurer.
- The Bureau of Motor Vehicles may not transfer the title to a mobile home unless the owner obtains a permit to transfer the title from the county treasurer.



Movement of Mobile Homes; Transfer of Title; Permits – IC 6-1.1-7-10

- Sec. 10.
- (c) A county treasurer shall issue a permit which is required to either move, or transfer the title to, a mobile home if the taxes due on the mobile home have been paid. The permit shall state the date it is issued.



Movers of mobile homes, possession of permit – IC 6-1.1-7-11

- Sec. 11.
- A person who is engaged to move a mobile home may not provide that service unless the owner presents him with a permit to move the mobile home and the permit is dated not more than one (1) month before the date of the proposed move. The mover shall retain possession of the permit while the mobile home is in transit.



Sale of Mobile Home - IC 6-1.1-7-10.4

- Sec. 10.4. The owner of a mobile home who sells the mobile home to another person shall provide the purchaser with the permit required by section 10(b) of this chapter before the sale is consummated.



Violation of the Statutes & Class C Infractions

- A person who is engaged to move a mobile home may not do so unless the owner presents him with a permit.
- A person that permits a mobile home to be placed on his land shall report that fact to the assessor within 10 days of the placement.
- The owner of a mobile home shall provide the purchaser with a permit before the sale is consummated.



Violation of the Statutes & Class C Infractions

- A person who fails to comply with any of these statutory requirements has committed a Class C infraction.
- (See IC 6-1.1-7-12; IC 6-1.1-7-13; and IC 6-1.1-7-14)
- A Class C infraction may result in a judgment of up to \$500.



Memorandums

- Subject: Assessment of Mobile Home
Date: December 2006
- The purpose of this memorandum was to introduce new assessment rules for annually assessed mobile homes beginning with the assessment date of January 15, 2007.



Memorandums

- Subject: Mobile & Manufactured Homes - Changes to the Inventory Definition and Tax Liability
Date: July 13, 2009
- The purpose of this memorandum was to inform everyone of changes to the definition of inventory to include certain mobile homes / manufactured homes and the allowance of a waiver of property taxes.



Waiver of personal property tax liability - IC 6-1.1-7-15

It is for a mobile / manufactured home:

- (1) that has deteriorated to a degree that it can no longer provide suitable protection from the elements as to be used as a primary place of residence;
- (2) that has little or no value as a structure to be rehabilitated for use as a primary place of residence;
- (3) on which personal property tax liability has been imposed in an amount that exceeds the estimated resale value of the mobile home or manufactured home; and
- (4) that has been abandoned in a mobile home community licensed under IC 16-41-27.



FAQ Memorandum

- Subject: Mobile Home – Frequently Asked Questions
Date: November 22, 2010
- As a follow-up to a conference call on Mobile Homes, this four-page memorandum was released to address the questions being asked on the assessment of mobile homes.



Memorandums Addressing Circuit Breaker Issues

- Subject: Circuit Breaker Clarification
Date: January 27, 2012
- Subject: Circuit Breaker on Common Areas
Date: July 16, 2012
- Subject: Circuit Breaker on Common Areas
Date: August 10, 2012



Memorandum Addressing Legislative Changes

- Subject: Changes Affecting Mobile Homes
Date: June 19, 2013
- This memorandum addresses legislative changes concerning the moving of a mobile home; a registration system; homestead deductions; and titling/recording requirements.



Memorandum Addressing Legislative Changes

- Subject: Property Tax Information –
Annually Assessed Mobile Homes
Date: October 18, 2013
- This memorandum addresses legislative changes concerning the titling/recording requirements.



Memorandum Addressing Legislative Changes

- Vehicle Identification Numbers –
IC 6-1.1-7-16 requires the Department to develop a system for recording property tax information for an annually assessed mobile home using an identification number unique to the vehicle identification number (VIN) of the mobile home.



Frequently Asked Questions

Question:

- I am a county assessor and am putting forth a great deal of effort to obtain the VIN data. I am afraid that I won't be able to meet the data compliance standards. Will this cause a delay in getting my ratio study reviewed or will I be reprimanded in some other way?



Frequently Asked Questions

Answer:

- The Department recognizes the challenges involved with obtaining this information and appreciates the efforts given. In recognition of this, the Data Division intends to relax the compliance standards on this issue for 2014.



Frequently Asked Questions

Question:

- The BMV provides us with an Excel spreadsheet and sometimes it lists the owner's county where he resides and not the county where the mobile home is located. What can be done about this?



Frequently Asked Questions

Answer:

- The BMV's title records will reflect the owner's legal address and not the address where the mobile home will be located. It is recommended that you use this spreadsheet as a part of your discovery tools since...



Frequently Asked Questions

Answer (continued):

- ...since the owner is required to file a Form 1 (Notice of Placement) within ten (10) days of placement. Information from the Mobile Home Permit can also be helpful. Counties can also work together as they learn that a mobile home is located in another county.



Memorandum Addressing Legislative Changes

- Mobile Home Community Register – IC 16-41-27-31 requires the mobile home community operator to maintain a register which shall be open for inspection by the assessor. The register shall contain the names and ages of the occupants and the name of the owner of the mobile/manufactured home.



Memorandum Addressing Mobile Home Matters

- Subject: Mobile Home Matters
Date: October 18, 2013
- This memorandum addresses the tax liability on annually assessed mobile homes.



Frequently Asked Questions

Question:

- Do delinquent taxes on an annually assessed mobile home follow the mobile home to the new owner or stay with the previous owner?



Frequently Asked Questions

Answer:

- The owner of the mobile home on the assessment date is liable for the taxes per IC 6-1.1-7-7(a).
- Also IC 6-1.1-7-10(c) & (d) states that before title can be transferred and the sale consummated, the taxes must be paid.



Frequently Asked Questions

Answer (continued):

- IC 6-1.1-7-9 states that the delinquent taxes will be collected in the same manner as personal property.
- IC 6-1.1-23 covers the collection of delinquent personal property taxes and states that the original owner remains liable for the taxes due.



Frequently Asked Questions

Question:

- How are the property taxes handled on the purchase contract of an annually assessed manufactured home?



Frequently Asked Questions

Answer:

- IC 9-17-6-17 states that a purchase contract for an annually assessed manufactured home is subject to the following terms and conditions:
 - Seller must provide a copy of the title.
 - The contract must specify who is responsible for the taxes.
 - Buyer must record the contract.



Frequently Asked Questions

Question:

- If the owner of a real property mobile home (title retired) desires to sell and move that mobile home because he wants to build a house on the property, what would need to be done before the mobile home could be sold or moved?



Frequently Asked Questions

Answer:

- The Bureau of Motor Vehicles states that the owner would need a court order to transfer the home from real property back to a mobile home. If there is no VIN, one would have to be applied for. Then the owner could file mobile home permits for a transfer of title and to move it.



Frequently Asked Questions

Question:

- If someone wanted to learn more about the procedures to deal with abandoned mobile homes, where could they go?



Frequently Asked Questions

Answer:

- IC 9-22-1.5 contains the statutes pertaining to abandoned mobile homes.



Local Control

- The Department gives great deference to local control so assessing officials are strongly encouraged to establish a local policy that is uniformly enforced with regard to mobile homes.



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